

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	Case No. 8:04CR538
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
SCOTT PETRO,	)	
	)	
Defendant.	)	

This matter comes on to consider the government's motion for Rule 35 hearing. Filing No. 50. Having considered the matter,

IT IS ORDERED that:

1. A hearing on the government's motion is scheduled before the undersigned United States district judge on **August 15, 2006, at 1:00 p.m.** in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18<sup>th</sup> Plaza, Omaha, Nebraska.

2. The Federal Public Defender is reappointed to represent the defendant for purposes of the Rule 35(b) motion.

**3. The Marshal is directed to return the defendant to the district for this hearing. If the defendant at a later date decides to waive his right to be present at the hearing, he may do so (at least 6 weeks prior to the hearing) by contacting his attorney who shall then inform the court and the U.S. Marshal of defendant's decision. In that event, the defendant may participate telephonically in the hearing by informing his attorney, who in turn shall supply this court with a telephone number at which the defendant may be reached for the hearing.**

DATED this 17th day of July, 2006.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
United States District Judge